

**Renewed Petition under 37 CFR 1.181 to  
Withdraw the Holding of Abandonment**

I have received the noticed mailed on May 9<sup>th</sup> 2010 dismissing my petition for application no. 10/599,384.

I understand that the facsimile transmitted did not comply with 37 CFR § 1.8.

However, I believe that there are reasons to grant my petition, as explained below.

37 CFR § 1.8 (b) states the following:

*"In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time..."*

The former paragraph defines the context for the requirement on 37 CFR § 1.6 (d).

My grounds for this renewed petition is that the facsimile transmission must have actually been received in the USPTO, given that I received a successful transmission receipt, which was enclosed in my former petition and is also hereby attached for reference.

(I presume that the fax might have been misplaced, because human errors happen everywhere, and it might happen from time to time in an organization like the USPTO that handles so much correspondence with all the world.)

In the attached receipt, you can find on the top right side the following text "HORA: 02/08/2010 18:51", which means "HOUR: August 2<sup>nd</sup> 2010 18:51". Given that the time difference between the US and Spain is 5 or 6 hours, depending on the time of the year, the reception time must have been 12:51 or 13:51 Eastern Time.

The receipt also shows the USPTO fax number as the destination number, in the second line inside the box "NUMERO DE FAX / NOMBRE 0015712738300", which means "FAX NUMBER / NAME 0015712738300"

I have asked the fax manufacturer about these receipts, and they have explained me that these receipts are printed out after the destination fax machine sends an Ok code indicating that they have successfully received the transmission.

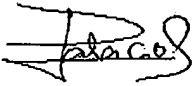
Therefore, I believe that there are grounds to justify that my fax was received, and therefore 37 CFR § 1.6 (d) might not be a requirement. In this circumstance the fax receipt might be enough.

When I spoke with the USPTO Inventor Assistance Center, they explained to me that sometimes the USPTO fax machines might send a second fax after a transmission is received, this second fax acting as a confirmation. They believe that this should be enough for stating that the correspondence has been sent.

I understand that the fax receipt that I have received is of a different nature, because it does not show textual information explicitly sent by the USPTO. But I believe that it has a technical nature that shows that the transmission was actually performed, and that it was received by a fax machine at the USPTO.

Therefore, I kindly request the Office of Petitions to accept my petition. In any case, from now onwards I will always use a certificate for transmission. So far, I only used it for responding to Office Actions, because I thought that it was required only there.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Angel Palacios', with a stylized flourish at the end.

Angel Palacios